

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

HEATHER QUALLS, et al.,

Plaintiffs,

v.

COUNTY OF SACRAMENTO, et al,

Defendants.

No. 2:20-cv-0612 TLN DB

ORDER

On April 9, 2012, defendant County of Sacramento filed a motion to compel responses from plaintiff Heather Qualls and noticed the motion for hearing before the undersigned on April 30, 2021, pursuant to Local Rule 302(c)(1). (ECF No. 7.) On April 23, 2021, the parties filed a Joint Statement re Discovery Disagreement. (ECF No. 8.)

Therein, plaintiffs' counsel Kenny Giffard states he received "an e-mail" on July 9, 2020, from an Allen Patatanyan, Esq., stating Patatanyan "had been retained by plaintiff Heather Qualls to represent her in this case[.]" (*Id.* at 3.) Accordingly, plaintiffs' counsel asserts that he "cannot answer for Ms. Qualls nor respond to discovery propounded to her unless and until I am her counsel." (*Id.*) Attorney Giffard, however, is plaintiffs' counsel of record. And attorney Giffard has not sought leave to withdraw.

Nonetheless, on March 20, 2020, the assigned District Judge issued an Initial Pretrial Scheduling Order. (ECF No. 2.) Pursuant to that order discovery was to be "completed no later

1 than two hundred forty (240) days from the date upon which the last answer may be filed with the  
2 Court[.]” (Id. at 2.) “[C]ompleted’ means that all discovery shall have been conducted so that  
3 all depositions have been taken and any disputes relative to discovery shall have been resolved by  
4 appropriate order if necessary and, where discovery has been ordered, the order has been  
5 complied with.” (Id.) Defendants filed their answer in this action on March 25, 2020, and well  
6 over 240 days have passed. Indeed, on October 23, 2020, defendants filed a status report in  
7 which they acknowledged that discovery closed on November 20, 2020. (ECF No. 6 at 3.) In  
8 this regard, the parties’ discovery dispute is untimely.

9 Accordingly, IT IS HEREBY ORDERED that defendants’ April 9, 2021 motion to  
10 compel (ECF No. 7) is denied without prejudice and the April 30, 2021 hearing is vacated.

11 Dated: April 26, 2021

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15 DEBORAH BARNES  
16 UNITED STATES MAGISTRATE JUDGE  
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